

May 7, 1973

CONGRESSIONAL RECORD — SENATE

S 8343

The minimum wage would be raised to \$1.80 an hour on the effective date of these amendments (60 days after enactment); to \$2.00 an hour one year later; to \$2.10 two years after the effective date; to \$2.20 three years after the effective date; and to \$2.30 four years after the effective date. These increases would apply equally to all non-agricultural employees within the coverage of the Act, regardless of when they were first covered.

Amends section 6(a) (5) of the Act to raise the minimum wage for agricultural employees to \$1.50 an hour during the first year after the effective date of these amendments, \$1.70 an hour during the second year, and \$1.90 an hour thereafter.

SECTION 4

Amends section 6(a) of the Fair Labor Standards Act to retain the present minimum wage of \$1.60 an hour for employees in the Canal Zone.

SECTION 5

Amends section 6(c) of the Fair Labor Standards Act to raise the minimum wage in Puerto Rico and the Virgin Islands by three 12½ percent increases over the most recent wage order rate, the first increase to be effective either 60 days after enactment of the bill or one year after the effective date of the most recent wage order, whichever is later. The second increase would be effective one year after the first; the third increase would be effective one year after the second.

SECTION 6

Amends section 12 of the Fair Labor Standards Act to authorize the Secretary of Labor to require employers to obtain proof of age from any employee. This would facilitate enforcement of the child labor provisions of the Act.

SECTION 7

Amends section 13(c) (1) of the Fair Labor Standards Act, which relates to child labor in agriculture, to prohibit employment of children under 12 except on farms owned or operated by parents; and to prohibit employment of children aged 12 and 13 except with written consent of their parents, or on farms where their parents are employed.

Amends section 13(d) of the Act to extend the existing child labor exemption for newsboys delivering daily newspapers to newsboys delivering advertising materials published by weekly and semi-weekly newspapers.

SECTION 8

Amends section 14(b) of the Fair Labor Standards Act to establish a special minimum wage rate for youth under 18 and full-time students of 85 percent of the applicable minimum wage or \$1.60 an hour (\$1.30 an hour for agricultural employment), whichever is higher. The special minimum wage for the same employees in Puerto Rico, the Virgin Islands, and American Samoa would be 85 percent of the industry wage order rate applicable to them, but not less than the rate in effect immediately prior to the effective date of the Fair Labor Standards Amendments of 1973.

Non-students under 18 would qualify for the "youth differential" rate only during their first 6 months of employment on a job. Full-time students would qualify for the differential rate (a) while employed at the educational institution they are attending; or (b) while employed part-time (not in excess of 20 hours per week) at any job.

The existing requirement in the Act that employers receive Labor Department certification prior to employment of youth at the special minimum rate would be removed. The Secretary of Labor would be required to issue regulations insuring against displacement of adult workers. Employers violating the terms of the youth differential provision would be subject to existing civil and criminal penalty provisions.

SECTION 9

Amends section 16 of the Fair Labor Standards Act to provide for a civil penalty of up to \$1,000 for each violation of the child labor provisions of section 12 of the Act.

SECTION 10

Amends section 16(c) to allow the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring a written request from an employee. In addition, this amendment would allow the Secretary to bring such actions even though the suit might involve issues of law that have not been finally settled by the courts.

SECTION 11

Amends the Age Discrimination in Employment Act of 1967 (P.L. 90-202) to extend its coverage to federal, state and local government employees.

SECTION 12

Requires the Secretary of Labor to undertake a comprehensive review of the minimum wage and overtime exemptions under section 13 of the Fair Labor Standards Act and to submit to Congress within three years a report containing recommendations as to whether each exemption should be continued, removed or modified.

SECTION 13

Technical amendments.

SECTION 14

Provides that the amendments made by this Act would become effective sixty days after enactment, and authorizes Secretary of Labor to promulgate regulations necessary to carry out such amendments.

STATEMENT BY SENATOR TAFT

Minimum wage legislation has been the subject of considerable discussion during the last two years, with extensive debate in this body and the other body. Senator Dominick and I today have introduced a bill that we feel is a very constructive approach to increasing the minimum wage. I understand Senators Williams and Javits also plan to introduce a minimum wage proposal in the near future. I am sure their proposal will be a great help in considering this important topic.

It is important to remember, however, that the Congress must be very careful in acting to amend the Fair Labor Standards Act. If we enact increases to the minimum wage too quickly, many employees may lose their jobs. Many of our nation's small businesses would also be severely affected if the minimum is increased too quickly. We must remember that the Fair Labor Standards Act is basically small business legislation, and any attempt to make it other than that can be fatal to many of our nation's small employers and their employees.

Another extremely important concept with regard to the minimum wage question is the concept of a youth differential. Any way you examine the unemployment situation for our nation's youth, you are readily apprised of extremely pressing problems. It is truly discouraging to see that many of our nation's youth, especially minority youth, do not have a job, nor do they have the prospect of obtaining one. Senator Dominick and I have suggested a sub-minimum wage proposal to be applicable for youth 18 years of age and under. We feel this proposal has merit and will help alleviate part of this youth unemployment problem. I realize the strong feeling of organized labor against this concept, but I also know that they are quite aware and quite concerned about the problem of youth unemployment. I hope that they will again carefully consider this question and

if they continue to oppose any type of youth sub-minimum.

Senator Dominick has already gone over the provisions of our proposal and included a summary thereof. I will not duplicate this effort. I would ask, however, that each Senator carefully examine the issues raised with respect to increasing the minimum wage and then consider our proposal.

All Americans desire to see the elimination of sub-standard and exploitive wage practices. Let us in the Congress work together in this session toward this goal.

By Mr. GRAVEL:

S. 1726. A bill to provide guidelines and limitations for the classification of information and material, to insure the integrity of the Congress as a separate branch of the Government by preventing the unwarranted interference in congressional functions by the executive and judicial branches, to establish an Office of the General Counsel to the Congress, to require the disclosure of information to Congress by the executive branch, to protect the confidentiality of information and sources of information of the news media, and for other purposes. Referred to the Committee on Government Operations.

THE PEOPLE'S NEED TO KNOW

Mr. GRAVEL. Mr. President, the prerequisite of a free, self-governing people is an enlightened citizenry. If the American people are to be meaningful participants in the operation of their Government, they must have easy access to virtually all information. The Government's shrill claims of a "need" for secrecy must give way to the higher priority of the citizen's need to know, his right to know.

I have identified five areas in which it seems to me crucial, that we act in order to preserve the free flow of information:

First. We must control excessive secrecy by establishing guidelines and limitations for classification and declassification. This does not mean mandating secrecy itself, as the administration has proposed.

Second. We must assure the congressional role in gathering and disclosing information by protecting Members of Congress from intimidation by the Executive.

Third. We must put a stop to the abuse of Executive privilege. While the adviser relationship should be kept sacrosanct, it should never be used to keep information from the Congress.

Fourth. We should establish our own general counsel to preserve congressional immunity, defend our membership from Executive harassment, and act aggressively to halt Executive usurpation of power.

Fifth. We must grant newsmen immunity from disclosure of information and sources. A free press will assist Congress in informing the people, and it will keep the Congress itself honest.

I have attempted to deal with the problems in each of these areas in separate titles of a comprehensive bill, the "Public Information Act of 1973," which I am introducing today. I ask that this bill, to-